

REMARKS

The Office Action of March 19, 2008 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection and objection are traversed and overcome. Upon entry of this Amendment, claims 1 and 3-20 remain in the application. Claims 11-17 have been withdrawn. Claim 2 is cancelled herein. Claims 1 and 18 have been amended. Support for these amendments may be found throughout the specification as filed, at least at page 5, lines 1-7; page 7, lines 6-16; page 14, lines 15-26; and cancelled claim 2.

Reconsideration of the claims is respectfully requested.

The drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(5), because Figure 8 includes reference number “320”, but the reference number is not disclosed within the specification.

In response to the Examiner’s objection to the drawings, Applicants have amended the specification to include reference number “320” in the specification in the description relating to Figure 8. More specifically, the paragraph on page 12, lines 21-24 has been amended to include “320” when referring to the carrier (shown in Figure 8). With this amendment, Applicants assert that the Examiner’s objection to Figure 8 is obviated.

Claims 1-4, 6, 7, and 18-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Groll (US Patent Publication Number 2005/0019953). Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Groll in view of Ward (US Patent Number 5,410,504). Claims 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Groll in view of Mandecki (U.S. Patent Publication Number 2002/0006673).

The Applicants’ invention as defined in claim 1 relates to a self-calibrating, disposable blood test device. The blood test device includes a substrate configured for carrying a chemical reagent; and circuitry formed on the substrate. The circuitry includes a sensor portion associated with the chemical reagent to enable measurement of at least one of a presence and a concentration of a blood analyte.

The circuitry also includes an information storage portion configured to store information indicative of at least one property of the chemical reagent and other information for calibrating operation of a meter to accurately measure and monitor a test of the blood analyte. The circuitry also includes an input and output arrangement formed on the substrate and in electrical communication with the information storage portion to enable the meter to access the chemical reagent information and the other calibration information from the information storage portion. Furthermore, no other source of calibration information separate from the information storage portion on the disposable blood test device is used for calibration of the meter.

In sharp contrast, Groll teaches a disposable blood test strip for measuring a concentration of an analyte in a biological fluid. The test strip may be encoded with a limited amount of information (such as the Lot ID of the test strip) that can be read by a test meter into which the test strip may be inserted. The actual information for calibration is included in a **separate** read-only memory (ROM) key which comes with each vial of test strips when they are purchased. Therefore, the test strip of Groll does not include information for the calibration of the meter. Rather, the test strip includes the LOT ID, which is used to identify the test strip as being from the same vial as the calibration information determined from the ROM key. Groll clearly lacks the aspect of including all of the calibration information on the test strip itself. With Groll, the user is required to calibrate with a separate ROM key.

For all the reasons stated above, it is submitted that Applicants' invention as defined in independent claims 1 and 18, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by Groll, either alone or in combination, and patentably defines over the art of record.

With regard to the §103(a) rejection of claim 5 based on the combination of Groll with Ward, Applicants submit the following comments. At the outset, Applicants submit that Groll should not be combined with Ward, at least in part because the two references are completely non-analogous. Groll discloses a blood test strip, while Ward discloses an electronic memory based on arrays of capacitors. Ward does not

teach or suggest in any manner that his capacitors may be useful for biological testing. Applicants therefore request that the above-referenced §103(a) rejection of claim 5 be withdrawn.

Assuming *arguendo* that one skilled in the art would combine Groll and Ward, Applicants further submit that the combination of the references does not teach or suggest the self-calibrating, disposable blood test device as defined in Applicants' claim 1, from which claim 5 depends. Applicants reiterate the above arguments pertaining to Groll, and submit that Ward does not supply the deficiencies of Groll.

For all the reasons stated above, it is submitted that Applicants' invention as defined in independent claim 1, and in those claims depending ultimately therefrom (in particular in claim 5), is not anticipated, taught or rendered obvious by Groll and Ward, either alone or in combination, and patentably defines over the art of record.

With regard to the §103(a) rejection of claims 8 through 10 based on the combination of Groll with Mandecki, Applicants reiterate the above arguments pertaining to Groll, and further submit that Mandecki does not supply the deficiencies of Groll. In particular, Mandecki adds nothing to Groll that teaches or suggests the self-calibrating, disposable blood test device defined in Applicants' independent claim 1, from which claims 8-10 depend.

For all the reasons stated above, it is submitted that Applicants' invention as defined in independent claim 1, and in those claims depending ultimately therefrom (in particular in claims 8-10), is not anticipated, taught or rendered obvious by Groll and Mandecki, either alone or in combination, and patentably defines over the art of record.

In summary, claims 1, 3-10, and 18-20 remain in the application. It is submitted that, through this Amendment, Applicants' invention as set forth in these claims is now in a condition suitable for allowance.

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Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

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